

SHB 2132 - S COMM AMD

By Committee on Financial Services, Insurance & Housing

ADOPTED 04/17/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 48.30.270 and 2000 2nd sp.s. c 4 s 33 and 2000 c 143
4 s 2 are each reenacted and amended to read as follows:

5 (1) No officer or employee of this state, or of any public agency,
6 public authority or public corporation except a public corporation or
7 public authority created pursuant to agreement or compact with another
8 state, and no person acting or purporting to act on behalf of such
9 officer or employee, or public agency or public authority or public
10 corporation, shall, with respect to any public building or construction
11 contract which is about to be, or which has been competitively bid,
12 require the bidder to make application to, or to furnish financial data
13 to, or to obtain or procure, any of the surety bonds or contracts of
14 insurance specified in connection with such contract, or specified by
15 any law, general, special or local, from a particular insurer or agent
16 or broker.

17 (2) No such officer or employee or any person, acting or purporting
18 to act on behalf of such officer or employee shall negotiate, make
19 application for, obtain or procure any of such surety bonds or
20 contracts of insurance, except contracts of insurance for builder's
21 risk or owner's protective liability, which can be obtained or procured
22 by the bidder, contractor or subcontractor.

23 (3) This section shall not be construed to prevent the exercise by
24 such officer or employee on behalf of the state or such public agency,
25 public authority, or public corporation of its right to approve the
26 form, sufficiency or manner or execution of the surety bonds or
27 contracts of insurance furnished by the insurer selected by the bidder
28 to underwrite such bonds, or contracts of insurance.

29 (4) Any provisions in any invitation for bids, or in any of the

1 contract documents, in conflict with this section are declared to be
2 contrary to the public policy of this state.

3 (5) A violation of this section shall be subject to the penalties
4 provided by RCW 48.01.080.

5 (6) This section shall not apply to:

6 (a) The public nonprofit corporation authorized under RCW
7 67.40.020; (~~(e)~~)

8 (b) Projects in excess of one hundred million dollars for port
9 districts formed under chapter 53.04 RCW; (~~(e)~~)

10 (c) A regional transit authority authorized under RCW 81.112.030;
11 or

12 (d) Projects in excess of one hundred million dollars for counties
13 with a population over one million, for projects administered for
14 public hospitals.

15 **Sec. 2.** RCW 48.30.270 and 2000 2nd sp.s. c 4 s 33 are each amended
16 to read as follows:

17 (1) No officer or employee of this state, or of any public agency,
18 public authority or public corporation except a public corporation or
19 public authority created pursuant to agreement or compact with another
20 state, and no person acting or purporting to act on behalf of such
21 officer or employee, or public agency or public authority or public
22 corporation, shall, with respect to any public building or construction
23 contract which is about to be, or which has been competitively bid,
24 require the bidder to make application to, or to furnish financial data
25 to, or to obtain or procure, any of the surety bonds or contracts of
26 insurance specified in connection with such contract, or specified by
27 any law, general, special or local, from a particular insurer or agent
28 or broker.

29 (2) No such officer or employee or any person, acting or purporting
30 to act on behalf of such officer or employee shall negotiate, make
31 application for, obtain or procure any of such surety bonds or
32 contracts of insurance, except contracts of insurance for builder's
33 risk or owner's protective liability, which can be obtained or procured
34 by the bidder, contractor or subcontractor.

35 (3) This section shall not be construed to prevent the exercise by
36 such officer or employee on behalf of the state or such public agency,

1 public authority, or public corporation of its right to approve the
2 form, sufficiency or manner or execution of the surety bonds or
3 contracts of insurance furnished by the insurer selected by the bidder
4 to underwrite such bonds, or contracts of insurance.

5 (4) Any provisions in any invitation for bids, or in any of the
6 contract documents, in conflict with this section are declared to be
7 contrary to the public policy of this state.

8 (5) A violation of this section shall be subject to the penalties
9 provided by RCW 48.01.080.

10 (6) This section shall not apply to:

11 (a) The public nonprofit corporation authorized under RCW
12 67.40.020; (~~or~~)

13 (b) A regional transit authority authorized under RCW 81.112.030;
14 or

15 (c) Projects in excess of one hundred million dollars for counties
16 with a population over one million, for projects administered for
17 public hospitals.

18 NEW SECTION. Sec. 3. Section 1 of this act expires December 31,
19 2006.

20 NEW SECTION. Sec. 4. Section 2 of this act takes effect December
21 31, 2006."

SHB 2132 - S COMM AMD
By Committee on Financial Services, Insurance & Housing

ADOPTED 04/17/2003

22 On page 1, line 1 of the title, after "contracts;" strike the
23 remainder of the title and insert "amending RCW 48.30.270; reenacting
24 and amending RCW 48.30.270; providing an effective date; and providing
25 an expiration date."

--- END ---